

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
2015 OCT 22 P 2:43
CLERK OF DISTRICT COURT
SAN FRANCISCO, CA.

UNITED STATES OF AMERICA,

V.

CR 14-316 VC

RYAN KELLY CHAMBERLAIN II

DEFENDANT(S).

THIRD SUPERSEDING INDICTMENT

COUNT ONE: 26 U.S.C. § 5861(d) -- Possession of an Unregistered Destructive Device; COUNT TWO: 18 U.S.C. § 922(k) -- Possession of a Firearm with Serial Number Removed; COUNT THREE: 18 U.S.C. § 175(a) -- Possession of a Biological Toxin for Use as a Weapon; COUNT FOUR: 18 U.S.C. § 175(b) -- Possession of Toxin; COUNT Five : 18 U.S.C. § 175(a) -- Possession of a Biological Toxin for Use as a Weapon; COUNT Six: 18 U.S.C. § 229(a)(1) -- Possession of Chemical Weapon.

A true bill.


Foreman

Filed in open court this 22nd day of

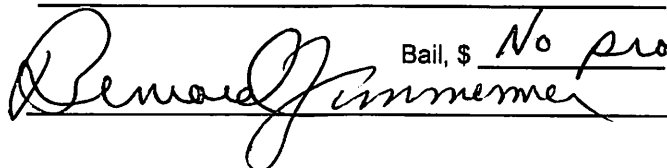
October, 2015.

Stephen Ybarra

Clerk

Bail, \$

No process



DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

SEE ATTACHED

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: SEE ATTACHED

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ RYAN KELLY CHAMBERLAIN II

DISTRICT COURT NUMBER

CR - 14-00316 VC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

- ☐
- person is awaiting trial in another Federal or State Court, give name of court:

- ☐
- this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

- ☐
- this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.

- ☒
- this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

- ☐
- prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH, Acting

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Philip J. Kearney

DEFENDANT**IS NOT IN CUSTODY**

- 1)
- ☐
- Has not been arrested, pending outcome this proceeding.
-
- If not detained give date any prior summons was served on above charges

- 2)
- ☐
- Is a Fugitive

- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☐
- On this charge

- 5)
- ☐
- On another conviction

☐ Federal ☐ State

- 6)
- ☒
- Awaiting trial on other charges

 If answer to (6) is "Yes", show name of institution
 US Marshal's Service (NDCA)

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST
 Month/Day/Year
 June 2, 2014

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET ATTACHMENT

Count One: 26 U.S.C. 5861(d) -- Possession of an Unregistered Destructive Device

Maximum Penalties: 10 years imprisonment
3 year period of supervised release
\$10,000 fine
\$100 special assessment

Count Two: 8 U.S.C. 922(k) -- Possession of a Firearm with Serial Number Removed

Maximum Penalties: 5 years imprisonment
3 year period of supervised release
\$250,000 fine
\$100 special assessment

Count Three: 18 U.S.C. §175(a) -- Possession of Biological Agent, Toxin, or Delivery System For Use as a Weapon

Maximum Penalties: Imprisonment for life, any term of years, or both
3 year period of supervised release
not more than a \$250,000 fine
\$100 special assessment

Count Four: 18 U.S.C. 175(b) -- Possession of Toxin

Maximum Penalties: 10 years imprisonment
3 year period of supervised release
\$250,000 fine
\$100 special assessment

Count Five: 18 U.S.C. §175(a) -- Possession of Biological Agent, Toxin, or Delivery System For Use as a Weapon

Maximum Penalties: Imprisonment for life, any term of years, or both
3 year period of supervised release
not more than a \$250,000 fine
\$100 special assessment

Count Six: 18 U.S.C. § 229(a)(1) – Possession of Chemical Weapon

Maximum Penalties: 10 years imprisonment
3 year period of supervised release
\$250,000 fine
\$100 special assessment

1 BRIAN J. STRETCH (CABN 163973)
2 Acting United States Attorney

FILED
2015 OCT 22 P 2:43
SUSAN L. HARRIS
CLERK, U.S. DISTRICT COURT
NO. DIST. OF CAL.

3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15
16 RYAN KELLY CHAMBERLAIN II,

17 Defendant.
18
19
20
21
22

) No. CR-14-00316 VC
)

) VIOLATIONS:

) Title 26, United States Code, Section 5861(d) –
) Possession of an Unregistered Firearm;
) Title 18, United States Code, Section 922(k) –
) Possession of a Firearm with the Manufacturer's
) Serial Number Removed; Title 18, United States
) Code, 175(a) – Possession of Biological Toxin for
) Use as a Weapon; Title 18, United States Code,
) 175(b) – Possession of Biological Toxin; Title 18,
) United States Code, Section 229(a)(1) – Possession of
) Chemical Weapon; Title 18, United States Code,
) Section 924(d) – Firearm Related Forfeiture; Title 26,
) United States Code, Section 5872 – Firearm Related
) Forfeiture; Title 18, United States Code, Section 176
) – Forfeiture of Biological Toxin, Delivery System,
) Toxic Chemical.
)
)

) SAN FRANCISCO VENUE
)

23
24 THIRD SUPERSEDING INDICTMENT
25

26 //

27 //

28 //

THIRD SUPERSEDING INDICTMENT

1 The Grand Jury charges that:

2 COUNT ONE: (26 U.S.C. § 5861(d) – Possession of an Unregistered Firearm)

3 1. On or about May 31, 2014, in the Northern District of California, the defendant,
4 RYAN KELLY CHAMBERLAIN II,
5 knowingly possessed a firearm, to wit: a destructive device as defined by Title 26, United States Code
6 §§ 5845(a)(8) and 5845(f), which was not registered to him in the National Firearms Registration and
7 Transfer Record; all in violation of Title 26, United States Code, Section 5861(d).

8 COUNT TWO: (18 U.S.C. § 922(k) – Possession of a Firearm with the Manufacturer's Serial
9 Number Removed)

10 2. On or about May 31, 2014, in the Northern District of California, the defendant,
11 RYAN KELLY CHAMBERLAIN II,
12 knowingly possessed a firearm which had the manufacturer's serial number removed, obliterated, or
13 altered, and had been shipped and transported in interstate and foreign commerce; all in violation of
14 Title 18, United States Code, Section 922(k).

15 COUNT THREE: (18 U.S.C. § 175(a) – Possession of a Biological Toxin for Use as a Weapon)

16 3. On or about and between December 6, 2013, and May 31, 2014, in the Northern District
17 of California, the defendant,
18

19 RYAN KELLY CHAMBERLAIN II,
20 knowingly developed, produced, acquired, retained, and possessed a biological agent, toxin, and
21 delivery system, to wit, abrin, for use as a weapon; all in violation of Title 18, United States Code,
22 Section 175(a).

23 COUNT FOUR: (18 U.S.C. § 175(b) – Possession of a Biological Toxin)

24 4. On or about and between December 6, 2013, and May 31, 2014, in the Northern District
25 of California, the defendant,
26

27 RYAN KELLY CHAMBERLAIN II,
28

THIRD SUPERSEDING INDICTMENT

1 knowingly possessed a biological agent, toxin, and delivery system, to wit, abrin, as defined in 18
2 United States Code, Section 178(2), which was not in its naturally occurring form, and was of a type and
3 in a quantity that, under the circumstances, was not reasonably justified by a prophylactic, protective,
4 bona fide research, or other peaceful purpose; all in violation of Title 18, United States Code, Section
5 175(b).

6
7 COUNT FIVE: (18 U.S.C. § 175(a) – Possession of a Biological Toxin for Use as a Weapon)

8 5. On or about May 31, 2014, in the Northern District of California, the defendant,
9
10 RYAN KELLY CHAMBERLAIN II,
11 knowingly attempted to develop, produce, acquire, retain, and possess a biological agent, toxin, and
12 delivery system, to wit, ricin, for use as a weapon; all in violation of Title 18, United States Code,
13 Section 175(a).

14 COUNT SIX: (18 U.S.C. § 229(a)(1) – Possession of Chemical Weapon)

15 6. On or about May 31, 2014, in the Northern District of California, the defendant,
16
17 RYAN KELLY CHAMBERLAIN II,
18 knowingly acquired, received, retained, owned, and possessed a chemical weapon, to wit, sodium
19 cyanide, which is a toxic chemical not intended by the defendant to be used for a peaceful purpose as
20 that term is defined in Title 18, United States Code, Section 229F(7)(A); all in violation of Title 18,
21 United States Code, Sections 229(a)(1) and 229A(a)(1).

22 FORFEITURE ALLEGATION: (26 U.S.C. § 5872; 18 U.S.C. §§ 176 and 924(d) --Forfeiture of
23 Firearms, Ammunition, Biological Toxins and Delivery Systems, and
24 Toxic Chemical)

25 7. The factual allegations contained in Counts One, Two, Three, Four, Five, and Six of this
26 Third Superseding Indictment are re-alleged and by this reference fully incorporated herein for the
27 purpose of alleging forfeiture.

28 8. Upon a conviction of the offense alleged in Count One of this Superseding Indictment,
the defendant,

THIRD SUPERSEDING INDICTMENT

RYAN KELLY CHAMBERLAIN II,

shall, pursuant to Title 26, United States Code, Section 5872, forfeit to the United States any firearm as defined in 26, United States Code, Section 5845(a), involved in a violation Title 26, United States Code, Section 5871, including but not limited to the following:

a. Components of an improvised explosive device seized on or about May 31, 2014.

9. Upon a conviction of the offense alleged in Count Two of this Superseding Indictment, the defendant,

RYAN KELLY CHAMBERLAIN II,

shall, pursuant to Title 18, United States Code, Section 924(d), forfeit to the United States any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922(k), including, but not limited to, the following property:

a. .22 caliber Derringer pistol, serial number unknown;

b. 42 rounds of .22 caliber ammunition.

10. Upon a conviction of the offenses alleged in Counts Three through Six of this Superseding Indictment, the defendant,

RYAN KELLY CHAMBERLAIN II,

shall, pursuant to Title 18, United States Code, Section 176, forfeit to the United States any biological toxin or delivery system, or toxic chemical, involved in a violation of Title 18, United States Code, Sections 175(a), 175(b), or 229(a)(1) including but not limited to the following property seized on or about May 31, 2014:

a. abrin;

b. plastic vials and flashlights used to conceal the abrin;

//

//

//

//

//

//

THIRD SUPERSEDING INDICTMENT

1 c. ricin;

2 d. sodium cyanide.


3
4 DATED:

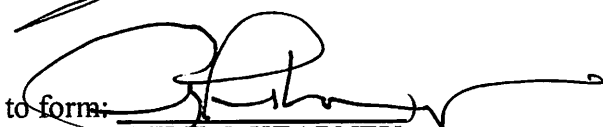
A TRUE BILL.

5 *October 22, 2015*

6 
FOREPERSON

7 BRIAN J. STRETCH
Acting United States Attorney

8 
9 DAVID R. CALLAWAY
10 Chief, Criminal Division

11
12 (Approved as to form: 

13 PHILIP J. KEARNEY
Assistant United States Attorney

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
THIRD SUPERSEDING INDICTMENT